

CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: November 5, 2008

TO: Members of the Code Monitoring Team (CMT)

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Amateur Radio Communication Amendments

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Amateur radio communication is regulated by the Federal Communication Commission. Since August 8, 2001, the Land Development Code (LDC) has exempted this type of communication from the telecommunication regulations. Currently, the LDC does not contain specific development regulations related to amateur radio antennas. Based on previous City Attorney opinions, amateur radio antenna installations have been allowed to exceed the maximum height of the underlying base zone in consideration of federal law. The City Attorney has since clarified that while the City is preempted from denying the communication use, the City may regulate the height and placement of the associated antenna and equipment.

On November 30, 2005, staff presented an informational report (Report 05-218) to the City Council Committee on Land Use and Housing regarding potential code amendments to regulate the height and placement of amateur radio communication antennas. The City Attorney also presented an analysis of the Federal Communication Commission's PRB-1 decision regarding local regulation of amateur radio communication. Since that time, staff has been working with the City Attorney's office to develop regulations to control the height and placement of amateur radio antenna structures to minimize impacts on the surrounding neighborhood.

In summary, a new separately regulated use (amateur radio communication) is proposed within the Chapter 13 zoning use tables. The use would be permitted in all zones as a limited use, meaning the use would be permitted by right subject to supplemental regulations. As proposed, a Site Development Permit (SDP) would be required where the associated antenna structures would not comply with the underlying base zone development regulations. The SDP supplemental development regulations would require placement of the antenna structure in the least visible location of the site, screening from the public right-of-way and adjacent properties, and lowering of the antenna during periods of non-operation. Staff requests that the Code Monitoring Team make a recommendation on the proposed code amendments, which will ultimately be considered by the City Council for approval.